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August 12, 2021

Honorable Joan M. Azrack
United States Magistrate Judge
United States District Court
Eastern District of New York
Long Island Federal Courthouse
100 Federal Plaza
Central Islip, New York 11550

Re: ***Luis Nunez v. Village of Rockville Centre and
Village of Rockville Centre Police Department et al***

D/A: 8/4/16
Docket No.: CV-18-4249
Our File: 45-0136US

Dear Judge Azrack:

Please be advised that my office represents the defendants, Village of Rockville Centre, Village of Rockville Centre Police Department, Police Officer John Siraco, Jr. and Police Officer John Murphy ("The Rockville Centre Defendants") in this action. Please be further advised that I filed the motion for summary judgment papers under Docket No. 65 today but was under the mistaken impression that the Plaintiff's Opposition papers and our Reply papers were required to be filed as separate documents, so I inadvertently failed include them in my motion filing.

I have since become aware from speaking with the CF/ECF help desk that all papers should have been filed along with the motion as part of the same document. I was advised by the CF/ECF help desk to file the remaining documents under a separate Docket Number and to include this letter to the Court explaining the error and that the same would be accepted by the Court as in compliance with this Court's bundling rule for motions upon receipt of this letter explaining my error.

August 12, 2021



I apologize for any inconvenience this error may have caused to the Court and thank the Court for its kind attention to this matter. Should the Court require anything further in connection with The Rockville Centre Defendants' motion for summary judgment, please contact our office at the Court's convenience.

Very truly yours,

HAMMILL, O'BRIEN, CROUTIER,
DEMPSEY, PENDER & KOEHLER, P.C.

Rebecca J. Moulton

Rebecca J. Moulton

RJM/

cc: **VIA E-FILING**
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Law Offices of Frederick K. Brewington
556 Peninsula Boulevard
Hempstead, NY 11550

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LUIS A. NUNEZ,

Plaintiff,

**DOCKET NO.: CV-18-4249
(DRH)(SIL)**

- against -

VILLAGE OF ROCKVILLE CENTRE, VILLAGE OF
ROCKVILLE CENTRE POLICE DEPARTMENT, NASSAU
COUNTY, NASSAU COUNTY POLICE DEPARTMENT,
POLICE OFFICER ANTHONY FEDERICO Shield No.
2645, in his individual and official capacity, POLICE OFFICER
JOHN SIRACO, JR., Shield No. 7945, in his individual and
official capacity, POLICE OFFICER JOHN MURPHY,
Shield No. 461, in his individual and official capacity,
SERGEANT MICHAEL DOLAN, Shield No. 8483,
in his individual and official capacity, and DETECTIVE
FRANK A. RUVOLO, Shield No. 7242, in his individual
and official capacity,

Defendants.

-----X

**DECLARATION OF FREDERICK K. BREWINGTON
IN SUPPORT OF PLAINTIFF'S MEMORANDUM OF LAW
IN OPPOSITION TO THE MOVING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

I, FREDERICK K. BREWINGTON, declare under the pains and penalties of perjury pursuant to 28 U.S.C. §1746, that the following statements are true and correct, to the best of my knowledge:

1. I am one of the attorneys representing Plaintiff Luis Nunez. I submit this Declaration in support of Plaintiff's Memorandum of Law and Supporting Papers in Opposition to Defendants Anthony Federico, Village of Rockville Centre, Village of Rockville Centre Police Department, John Murphy, Michael Dolan and John Siraco ("Moving Defendants") Motion for Summary Judgment on the claims of Plaintiff.

2. Attached as Exhibit A is a true and accurate copy of a video recording captured by a red light camera.

3. Attached as Exhibit B is a true and accurate copy of Plaintiff's Amended Complaint.

4. Attached as Exhibit C is a true and accurate copy of documents from the Office of the District Attorney labeled as "Prosecution Documents".

5. Attached as Exhibit D is a true and accurate copy of the redacted Dismissal Memo authored by the Office of the District Attorney labeled as "Dismissal Memo".

6. Attached as Exhibit E is a true and accurate copy of the Arrest Report.

7. Attached as Exhibit F is a true and accurate copy of the Crime Report.

8. Attached as Exhibit G is a true and accurate copy of the Accident Statement.

9. Attached as Exhibit H is a true and accurate copy of Defendant Federico's Application for 207-c benefits.

10. Attached as Exhibit I is a true and accurate copy of a photograph of Defendant Federico's leg.

11. Attached as Exhibit J is a true and accurate copy of Plaintiff's Certificate of Disposition.

12. Attached as Exhibit K is a true and accurate copy of Plaintiff's 50-h transcript.

13. Attached as Exhibit L is a true and accurate copy of a Decision and Order from the Appellate Division, Second Department.

14. Attached as Exhibit M is a true and accurate copy of the deposition transcript of Michael Dolan.

15. Attached as Exhibit N is a true and accurate copy of the deposition transcript of

Anthony Federico.

16. Attached as Exhibit O is a true and accurate copy of the deposition transcript of John Murphy.

17. Attached as Exhibit P is a true and accurate copy of the deposition transcript of Luis Nunez.

18. Attached as Exhibit Q is a true and accurate copy of the deposition transcript of Frank Ruvolo.

19. Attached as Exhibit R is a true and accurate copy of the deposition transcript of John Siraco.

20. Attached as Exhibit S is a true and accurate copy of the Accident Report.

21. Attached as Exhibit T is a true and accurate copy of the Case Report.

22. Attached as Exhibit U is a true and accurate copy of the Felony Complaint.

23. Attached as Exhibit V is a true and accurate copy of a News Article.

Dated: Hempstead, New York
August 2, 2021

Respectfully submitted,

LAW OFFICES OF
FREDERICK K. BREWINGTON

By:


FREDERICK K. BREWINGTON

Attorneys for Plaintiff

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Hempstead, New York 11550

(516) 489-6959

DOCKET NO.: CV-18-4249 (DRH)(SIL)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LUIS A. NUNEZ,

Plaintiff,

- against -

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ROCKVILLE CENTRE POLICE DEPARTMENT, NASSAU
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in his individual and official capacity, and DETECTIVE
FRANK A. RUVOLO, Shield No. 7242, in his individual
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DECLARATION OF FREDERICK K. BREWINGTON
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